



NORTHAMPTON LICENSE COMMISSION

City Hall, Office of the Mayor
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COMMISSIONERS

Brian Campedelli, Chair
Natasha Yakovlev
Helen Kahn

Executive Assistant

Annie Lesko

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MEETING MINUTES

Wednesday, November 6, 2019
City Council Chambers, 212 Main Street
4:00 p.m.

1. **MEETING CALLED TO ORDER** by Commissioner Campedelli at 4 p.m.
ROLL CALL - Commissioner Campedelli, Commissioner Yakovlev and Commissioner Kahn were all present.
ANNOUNCEMENT OF AUDIO/VIDEO RECORDING made by Commissioner Campedelli

2. **PUBLIC COMMENT** - None

3. **APPLICATION FOR SHORT TERM LIQUOR LICENSE**

Trustees of Forbes Library

Location: 20 West St., Hosmer Gallery

Type: Wine & Malt

Fee: Request Fee Waiver

Date/Time: Wednesday, November 13, 2019, 5 – 7 p.m.

Event: Art Reception: Steve and Marla Shelasky

Date/Time: Wednesday, December 4, 2019, 5 – 9 p.m.

Event: Hosmer Gallery Artists' Reception

Faith Kaufmann was present for these applications. The events will be held in the same manner as usual with no changes.

Commissioner Yakovlev moved to approve the short term liquor licenses for Forbes Library as well as the fee waiver request. Commission Campedelli seconded. The motion passed unanimously 3-0.

6. **APPLICATION FOR SHORT TERM LIQUOR LICENSE**

Artifact, LLC d/b/a Artifact Cider Project

Date/Time: Saturday, November 9, 2019

Sunday, November 10, 2019

11 a.m. – 3:30 p.m.

Location: Look Memorial Park, 300 N. Main St., Florence

Event: Cyclocross Race

Type: Wine & Malt

This application was taken out of order. Jake Mazar was present and stated this is the first year that Artifact is participating in this event but Cyclocross has been happening for years. Setup will be in the food truck area and IDs will be checked prior to serving.

Commission Kahn moved to approve the short term liquor license for Artifact Cider. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

5. APPLICATIONS FOR SHORT TERM LIQUOR LICENSES

Northampton Center for the Arts

Location: 33 Hawley St.

Type: Wine & Malt

Date/Time: Saturday, November 9, 2019, 7 – 10 p.m.

Event: 24 Theater Project

Date/Time: Thursday, November 14, 2019, 7 – 9 p.m.

Event: K&E Theater Group Performance

Date/Time: Friday, November 15, 2019, 7 – 9 p.m.

Event: K&E Theater Group Performance

Date/Time: Saturday, November 16, 2019, 7 – 9 p.m.

Event: K&E Theater Group Performance

Date/Time: Sunday, November 17, 2019, 2 – 4 p.m.

Event: K&E Theater Group Performance

This agenda item was taken out of order. Joanna Walker was present and stated that these events will be held in the same manner as usual and beer and wine will be available for patrons before the performance and during intermission.

Commissioner Yakovlev moved to approve the short term liquor licenses. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

7. APPLICATION FOR SHORT TERM LIQUOR LICENSE

Abandoned Building Brewery, LLC

Dates/Times: Saturday, November 9, 2019, 10 a.m. – 6 p.m.

Sunday, November 10, 2019, 10 a.m. – 6 p.m.

Location: Look Memorial Park, 300 N. Main St., Florence

Event: Cyclocross Bike Race

Type: Wine & Malt

Matt Tarlecki was present for this application. He stated that the ending times for the license can be changed to 3:30 p.m. because the event ends at 3 p.m. He stated setup will be with the food vendors in a fenced off area and TIPS servers will be serving.

Commissioner Kahn moved to approve the short term liquor licenses for Abandoned Building Brewery. Commission Yakovlev seconded. The motion passed unanimously 3-0.

4. APPLICATION FOR SHORT TERM LIQUOR LICENSE

Available Potential Enterprises, Ltd. (A.P.E) d/b/a The ArtSalon

Date/Time: Friday, November 22, 2019, 6 – 9 p.m.

Location: Northampton Center for the Arts, 33 Hawley St.

Event: One day art sale

Type: All Alcohol

Betsy Stone was present for this application and stated the event will be providing wine and malt only, not all alcohol. Additionally, for the record, she stated that the event is happening at the Community Arts Trust, not the Center for the Arts. Ms. Stone stated this is the 2nd annual Red Dot Dash at 33 Hawley St. Beer and wine will be served in conjunction with food.

Commissioner Yakovlev moved to approve the short term liquor license. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

8. DISCUSSION AND POSSIBLE VOTE TO IMPOSE AN ANNUAL RENEWAL FEE FOR FARMER SERIES POURING PERMITS

The clerk explained that in April 2013, the License Commission approved Northampton's first Farmer Series Pouring Permit. No annual fee was imposed because it was the first license of its kind. At the time, the Commission instructed the clerk to research pouring permit fees for other communities and subsequently ask the Mayor for a fee recommendation. At the time, the clerk found that most towns weren't charging a fee (mostly because the licenses were new and few and far between) with only one surrounding town charging an annual fee of \$25.00. Additionally, the Mayor's recommendation was to not impose a fee.

Today, the city has four approved pouring permits (two being approved within the last year) which allow for the same on-premises consumption as on-premises liquor licenses. Essentially, pouring permits and \$12 on-premises licenses are the same, with the exception of an annual renewal fee.

A recent alcohol cost survey was sent to local licensing authorities inquiring about other municipalities' fee schedules. Out of the entire survey, Northampton was the only city or town that does not charge an annual fee for pouring permits. Fees for pouring permits in other communities range from \$25 to \$2,000 annually. Five communities have fees between \$1,000 and \$2,000 while the remaining communities vary between \$200, \$250 and \$350 annually.

The clerk explained that Mayor Narkewicz is supportive of the License Commission imposing a fee for pouring permits.

The clerk stated that the fee should be imposed for the 2021 renewal season.

The clerk recounted the renewal fees for all the other types of liquor licenses.

Commissioner Yakovlev stated that when pouring permits were created it was most likely to accommodate wineries and small breweries that were generating foot traffic and a way to offer samples of their product but now they have turned into retail establishments which puts them on par with establishments that have on-premises licenses. She furthered that it makes sense that they are on the same playing field as wine and malt license holders but pointed out that there doesn't seem to be a difference from Progression Brewery and the Northampton Brewery and they are operating within feet of each other.

Commissioner Campedelli questioned whether or not establishments with pouring permits do the same amount of business as retailers. He would hate to add a huge expense (renewal fee) to small farmers that aren't doing as much business as downtown restaurants. Commissioner Campedelli suggested a renewal fee of \$500.

Commissioner Yakovlev pointed out there are four licenses of this kind and one is an outlier. She furthered that things should be fair and they aren't fair right now.

Commissioner Campedelli suggested meeting in the middle and making the renewal fee exactly half of the wine and malt fee, which would come to \$775. He furthered that the Commission can always revisit this amount in the future.

Commissioner Yakovlev agreed and stated that the fee should be subject to change and be subject to match the fees of on-premises wine and malt licenses.

Commissioner Kahn moved to impose a renewal fee, commencing for the 2021 renewal season, for Farmer Series Pouring Permits in the amount of \$775.00 which is half the fee for a wine and malt liquor license. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

9. CLERK'S UPDATE

- Spoleto – Manager of Record

The clerk informed the Commission that Claudio Guerra, owner of Spoleto, called and said he was going to make himself the manager on the liquor license. However, someone else from Spoleto had also come in to apply for the license. In the interim, Claudio came back to the office and informed the clerk he was going to appoint his wife to be the manager of record for Spoleto but that she wouldn't be able to submit a complete application until the December meeting because of how busy she is.

Commissioner Campedelli stated that it seems like he was looking to buy some more time to find someone to be the manager. Commissioner Campedelli asked what happened to the other manager that was approved in July.

The clerk explained that the previous manager left the business.

Commissioner Yakovlev pointed out that the whole idea of the manager of record is to have someone on the license who is readily available and in charge of the business.

Commissioner Kahn pointed out that the Commission shouldn't be making an exception for Mr. Guerra because he knows what needs to be done to be in compliance.

Commissioner Yakovlev stated that without a manager of record, Spoleto is in violation of their liquor license. She stated that other licensees play by the rules and Mr. Guerra had plenty of time to find a manager.

Commissioner Yakovlev asked if it's legal to be a manager of record for multiple establishments.

The clerk clarified that it is legal, as long as it can be demonstrated how the manager can be the manager of multiple establishments.

Commissioner Yakovlev stated that the biggest issue at hand is that Spoleto is operating without a manager of record and has been since July. She stated that another letter should be sent out and an application submitted for the December meeting is not going to work.

Commissioner Kahn stated that the letter should require a complete application to be submitted five days upon receipt of the letter and indicate that the Commission will take up the application at the December meeting.

The clerk will draft a letter to send to Spoleto.

Commissioner Campedelli asked if there has been an application for change of ownership for Highbrow.

The clerk has not received one.

The clerk pointed out that there hasn't been an application made for the change of ownership for the Majestic Saloon yet either.

Commissioner Kahn asked if Sakura was still holding onto their license.

The clerk stated they are and it has been just shy of two years that the license has been a pocket license. The clerk suggested that the Commission send a letter to the attorney and request his attendance at the December meeting when the license is up for a renewal vote.

Commissioner Campedelli reminded the Commission about the Pine Grove license because it will shut down in the winter when the owners go to Florida. He also pointed out that the Basement's operating hours should be addressed along with all other licensees that aren't operating consistently.

Commissioner Yakovlev informed the Commission that, in January, she would like to start talking about all the inconsistencies between license holders and how the Commission should be enforcing the requirements. She pointed out that there are a lot of loose ends and it would be reasonable for the Commission to understand where every license holder is at and make sure that license holders understand what is expected of them.

The clerk offered to draft a letter that could be sent to every licensee informing them of the transactions they need to apply for if there are certain changes to their business. For example, if they change their hours, their manager, their beneficial interest, or even their DBA, then a transaction needs to be made. This way, if license holders don't comply, then the Commission has already put them on notice.

10. REQUEST APPROVAL OF 2019 LICENSE COMMISSION MEETING SCHEDULE

Commissioner Campedelli clarified for the record that the Commission will vote on the 2020 meeting schedule.

Commissioner Campedelli moved approval of the 2020 License Commission meeting schedule. Commissioner Kahn seconded. The motion passed unanimously 3-0.

11. APPROVAL OF MINUTES

- October 9, 2019

Commissioner Kahn moved approval of the October 9, 2019, minutes as written. Commissioner Yakovlev seconded. The motion passed unanimously 3-0.

12. NEW BUSINESS

The clerk explained that she spoke with the license clerk from Hadley, who asked if Northampton has an administrative fee for ABCC applications. The clerk informed the Commission that there is a \$25 administrative fee and that Hadley's license clerk found that Northampton has the lowest administrative fee and the most common fee \$100.00. Hadley's license clerk stated that she would send a spreadsheet of her data when she was finished compiling research. The clerk pointed out that it might be good to revisit this fee in the future and would be happy to put it on the agenda for the February meeting.

Commissioner Yakovlev stated she is curious to know what the spreadsheet shows and then the Commission can discuss it.

13. ADJOURN

Commissioner Campedelli moved to adjourn the meeting at 5:02 p.m. Commissioner Yakovlev seconded. The motion passed unanimously 3-0.

The next meeting of the Northampton License Commission is scheduled for December 4, 2019.